

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AL JAVIER,

Plaintiff,

v.

ANTHONY RUSSO, et al.,

Defendants.

Copies Mailed/Faxed 12/20/22
Chambers of Vincent L. BriccettiORDER

21 CV 7097 (VB)

12/20/22

Plaintiff, who is proceeding pro se and in forma pauperis, brings claims under 42 U.S.C. § 1983 for alleged violations of his constitutional rights.

On September 21, 2022, defendants Rosinsky, Watkins, Kopp, Rodriguez, and Annucci moved to dismiss the amended complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. (Doc. #36). They served a copy of the motion and all supporting papers on plaintiff, who is proceeding pro se, via regular mail. (See Doc. #39).

Plaintiff's deadline to oppose the motion was October 6, 2022. See Local Civil Rule 6.1(b). On October 26, 2022, because plaintiff had not yet filed an opposition, the Court sua sponte extended plaintiff's deadline to oppose the motion to November 28, 2022. (Doc. #40).

On November 21, 2022, the Court granted defendants Russo and Morrissey's request to join in the pending motion to dismiss. The Court sua sponte extended plaintiff's deadline to oppose the motion to December 12, 2022. (Doc. #49). Moreover, the Court warned plaintiff that if he failed to oppose defendant's motion to dismiss by December 12, 2022, the Court would deem the motion fully submitted and unopposed. The Court mailed a copy of the Order to plaintiff at the address on the docket.

To date, plaintiff has not responded to defendants' motion. Thus, the Court deems defendants' motion fully submitted and will decide it in due course.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: December 20, 2022
White Plains, NY

SO ORDERED:

Vincent L. Briccetti
United States District Judge